

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: Rickey L. Crumbley

Case No.: 17-13268

Debtor(s)

Judge:

Chapter:

13

**CHAPTER 13 PLAN AND MOTIONS**

☒ Original☐ Motions Included☐ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge Sought

Date: May 24, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
 CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 500.00 Monthly to the Chapter 13 Trustee, starting on March 1, 2017 for approximately 36 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:



Sale of real property

Description: 184-186 Hawthorne Avenue, Newark, NJ 07112

Proposed date for completion: August 2017



Refinance of real property

Description:

Proposed date for completion:



Loan modification with respect to mortgage encumbering property

Description: Location: 121 South Street, Newark, NJ 07107

All Arrears will be put into the Loan Modification.

Proposed date for completion: August 2017

d. ☐

The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐

Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Russell L. Low 4745	Attorney Fees	2,500.00
Internal Revenue Services	Taxes and certain other debts	0.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
City Ntl Bk/Ocwen Loan Service/Caliber H	121 South Street Newark, NJ 07107 Essex County Location: 121 South Street, Newark, NJ 07107	50,921.00	0.00	2,004.43	587.00

City of Newark	184-186 Hawthorne Ave. Newark, NJ 07112 Essex County Location: 184-186 Hawthorne Avenue, Newark, NJ 07112	104,935.26	18.00	5,553.93	916.47
Heartwood 55 LLC	184-186 Hawthorne Ave. Newark, NJ 07112 Essex County Location: 184-186 Hawthorne Avenue, Newark, NJ 07112	58,689.68	18.00	3,106.28	916.48
MTAG Cust Alterna Funding 1, LLC	184-186 Hawthorne Ave. Newark, NJ 07112 Essex County Location: 184-186 Hawthorne Avenue, Newark, NJ 07112	57,348.66	18.00	3,035.36	916.48
Shell Point	1095 Grove Street Irvington, NJ 07111 Essex County Location: 1095 Grove Street, Irvington NJ 07111	0.00	0.00	0.00	948.00

**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Bk Of Amer	121 South Street Newark, NJ 07107 Essex County Location: 121 South Street, Newark, NJ 07107	65,754.00	90,000.00	1st Mortgage City Ntl Bk/Ocwen Loan Service/Caliber H - 100,043.08	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor

City of Newark  
Macwcp II, LLP  
Shell Point

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

**a. Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

\_\_\_\_\_ x \_\_\_\_\_ *Pro Rata* distribution from any remaining funds

**b. Separately Classified Unsecured Claims shall be treated as follows:**

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Bk Of Amer	121 South Street Newark, NJ 07107 Essex County Location: 121 South Street, Newark, NJ 07107	65,754.00

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified:\_\_\_\_\_.

<b>Explain below <i>why</i> the Plan is being modified.</b>	<b>Explain below <i>how</i> the Plan is being modified</b>
Modified plan to include creditor Shell Point.	
Are Schedules I and J being filed simultaneously with this modified Plan? <span style="float: right;"> <input type="checkbox"/> Yes                     <input checked="" type="checkbox"/> No                 </span>	
<b>Part 10: Sign Here</b>	
<p>The debtor(s) and the attorney for the debtor (if any) must sign this Plan.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p><b>Date</b> <u>May 24, 2017</u></p> </div> <div style="width: 50%;"> <p><u>/s/ Russell L. Low</u>                          Russell L. Low 4745  <b>Attorney for the Debtor</b></p> </div> </div> <p style="margin-top: 10px;">I certify under penalty of perjury that the foregoing is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p><b>Date:</b> <u>May 24, 2017</u></p> </div> <div style="width: 50%;"> <p><u>/s/ Rickey L. Crumbley</u>                          Rickey L. Crumbley  <b>Debtor</b></p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p><b>Date:</b> _____</p> </div> <div style="width: 50%;"> <p>_____  <b>Joint Debtor</b></p> </div> </div>	

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Rickey L. Crumbley  
 Debtor

Case No. 17-13268-JKS  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 43

Date Rcvd: May 25, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 27, 2017.

db +Rickey L. Crumbley, 1095 Grove Street, Irvington, NJ 07111-4124  
 cr +U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER, Phelan Hallinan & Schmieg, PC,  
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437  
 cr +U.S. Bank, N.A., et al., Stern & Eisenberg, PC, 1581 Main Street, Suite 200, Suite 200,  
 Warrington, PA 18976-3400  
 516656023 +Asset Acceptance LLC/Chase Bank/Midland, c/o Leonard Franco Jr.,  
 1037 Raymond Blvd., Suite 710, PO Box 771, Newark, NJ 07101-0771  
 516656024 +Asset Acceptance, LLC/Midland Credit Man, PO Box 2036, Warren, MI 48090-2036  
 516656025 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, PO Box 5170,  
 Simi Valley, CA 93062-5170  
 516713815 +Bank of America, N.A., P.O. Box 31785, Tampa, FL 33631-3785  
 516656026 +Bk Of Amer, 1800 Tapo Canyon Rd, Simi Valley, CA 93063-6712  
 516656029 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
 (address filed with court: Citi, CitiCard Credit Services/Centralized Ban, PO Box 20507,  
 Kansas City, MO 64195)  
 516656027 +Caliber Home Loans, PO Box 619063, Dallas, TX 75261-9063  
 516656028 Cci, Contract Callers I, Augusta, GA 30901  
 516656030 +City Ntl Bk/Ocwen Loan Service/Caliber H, Attn: Bankruptcy, P.O. Box 24738,  
 West Palm Beach, FL 33416-4738  
 516656031 +City of Newark, 920 Broad Street, Newark, NJ 07102-2660  
 516656033 +Comenity Bank/shpathme, 4590 E Broad St, Columbus, OH 43213-1301  
 516656035 +Everest Receivable Services, 5165 Broadway #112, Depew, NY 14043-4012  
 516656036 +First National Collecricion Bureau, 610 Waltham Way, Sparks, NV 89434-6695  
 516656037 +Gary C. Zeitz, LLC, 1101 Laurel Oak Road, Suite 170, Voorhees, NJ 08043-4381  
 516656039 +Heartwood 55 LLC, PO box 5707, Fort Lauderdale, FL 33310-5707  
 516656048 +MTAG Cust Alterna Funding l, LLC, PO Box 54817, New Orleans, LA 70154-4817  
 516763842 +MTAG-Cust-ATCF II NJ-Cap One, Gary C. Zeitz, LLC, 1101 Laurel Oak Road, Suite 170,  
 Voorhees, NJ 08043-4381  
 516656044 +Macwcp II, LLP, Attn: Gary C. Zeitz, LLC, 1105 Laurel Oak Road, Suite 136,  
 Voorhees, NJ 08043-4312  
 516656045 +Midland Credit Management, Inc., P.O. Box 2036, Warren, MI 48090-2036  
 516656051 +Moses Rountree, Jr., 30 Wilbur Ave., Newark, NJ 07112-2312  
 516656049 +Palisade Collection LLC, PO Box 1244, Englewood Cliffs, NJ 07632-0244  
 516656050 +Rjm Acq Llc, 575 Underhill Blvd Suite 224, Syosset, NY 11791-3416  
 516754869 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245,  
 Trenton, NJ 08695-0245)  
 516656052 +Sears/cbna, PO Box 6283, Sioux Falls, SD 57117-6283  
 516656053 +Shell Point, PO Box 10826, Greenville, SC 29603-0826  
 516656055 +Stern & Eisenberg, PC, 1040 N. Kings Highway, Suite 407, Cherry Hill, NJ 08034-1925  
 516656040 ++WACHOVIA BANK NA, MAC X2303-01A, 1 HOME CAMPUS, 1ST FLOOR, DES MOINES IA 50328-0001  
 (address filed with court: Homeq Servicing, P.O. Box 13716, Sacramento, CA 95853)  
 516656058 +Wachov/ftu/Wells Fargo, PO Box 31557, Mac B6955-01b, Billings, MT 59107-1557  
 516656059 #+Wells Fargo, PO Box 6412, Carol Stream, IL 60197-6412

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov May 25 2017 22:42:04 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 25 2017 22:42:01 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516656034 +E-mail/Text: mrdiscen@discover.com May 25 2017 22:41:23 Discover Fin Svcs Llc,  
 Po Box 15316, Wilmington, DE 19850-5316  
 516656038 +E-mail/PDF: gecsed@recoverycorp.com May 25 2017 22:38:13 GECRB/ShopNBC, Attn: Bankruptcy,  
 Po Box 103104, Roswell, GA 30076-9104  
 516656041 E-mail/Text: cio.bncmail@irs.gov May 25 2017 22:41:42 Internal Revenue Services,  
 Special Processing Branch, PO Box 724, Springfield, NJ 07081  
 516729797 E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 22:38:13 LVNV Funding LLC,  
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 516694122 +E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 22:38:11  
 LVNV Funding LLC c/o Resurgent Capital Services, P.O. Box 10675, Greenville, SC 29603-0675  
 516656042 +E-mail/PDF: resurgentbknofications@resurgent.com May 25 2017 22:38:12 LVNV Funding, LLC,  
 PO Box 10497, Greenville, SC 29603-0497  
 516656047 +E-mail/Text: bankruptcydpt@mcmcg.com May 25 2017 22:42:00 Midland Funding,  
 8875 Aero Dr Ste 200, San Diego, CA 92123-2255  
 516656056 +E-mail/PDF: gecsed@recoverycorp.com May 25 2017 22:38:13 Synch/lord & Tay, Po Box 965015,  
 Orlando, FL 32896-5015  
 516656057 +E-mail/Text: ebn@vativrecovery.com May 25 2017 22:41:49 Vativ Recovery Solutions, LLC,  
 PO Box 19249, Sugar Land, TX 77496-9249

TOTAL: 11

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 43

Date Rcvd: May 25, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516656032\* +City of Newark, 920 Broad Street, Newark, NJ 07102-2660  
516656043\* +LVNV Funding, LLC, PO Box 10497, Greenville, SC 29603-0497  
516789297\* LVNV Funding, LLC, c/o Resurgent Capital Services, PO Box 10587,  
Greenville, SC 29603-0587  
516656046\* +Midland Credit Management, Inc., P.O Box 2036, Warren, MI 48090-2036  
516656054\* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, Division of Taxation, PO Box 283,  
Trenton, NJ 08695)

TOTALS: 0, \* 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court  
immediately.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 27, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 24, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MTGLQ INVESTORS, L.P. dcarlon@kmllawgroup.com,  
bkgroup@kmllawgroup.com  
Elizabeth L. Wassall on behalf of Creditor Bank of America, N.A. vbarber@udren.com,  
ewassall@udren.com  
Linda S. Fossi on behalf of Creditor MTAG-Cust-ATCF II NJ-Cap One lfossi@zeitzlawfirm.com,  
gzeitz@zeitzlawfirm.com;cdillon@zeitzlawfirm.com;rzeitz@zeitzlawfirm.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Michael Frederick Dingerdissen on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR  
LSF9 MASTER PARTICIPATION TRUST nj.bkecf@fedphe.com  
Russell L. Low on behalf of Debtor Rickey L. Crumley rbear611@aol.com, ecf@lowbankruptcy.com  
Steven P. Kelly on behalf of Creditor U.S. Bank, N.A., et al skelly@sterneisenberg.com,  
bkecf@sterneisenberg.com  
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8